

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

EIGHTSTAR DIAMOND COMPANY and
GRS JEWELERS, INC.,

Defendants.

CIVIL ACTION NO. 04 12258-JLT

**AFFIDAVIT OF MARK D. ROBINS IN OPPOSITION TO DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

I, Mark D. Robins, hereby depose and state as follows:

1. I am an attorney, admitted to practice in the Commonwealth of Massachusetts, and am a partner at Nixon Peabody LLP. I was previously counsel of record in this matter for Plaintiff Hearts On Fire Company, LLC ("HOF").

2. On September 14, 2005, I conducted a search on the Internet search engine Google for web pages containing the word "eightstar" and words comprising the core of HOF's trademarks "The World's Most Perfectly Cut Diamond" and "The Most Perfectly Cut Diamond in the World."

3. Attached as Exhibit A hereto is a true and accurate copy of a series of web pages linked to one of the results that Google produced in response to the search described above.

Signed and sworn under the penalties of perjury this 20th day of March, 2006.

